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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/033,627	12/27/2001	Scott T. Stillman	60027.0247US1/BS01309	9302

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EXAMINER

HOOSAIN, ALLAN

ART UNIT PAPER NUMBER

2645

DATE MAILED: 10/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/033,627

Applicant(s)

STILLMAN ET AL.

Examiner

Allan Hoosain

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 December 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All   b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>4</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Wheeler, Jr.** (US 5,583,920) in view of **McKinley, Jr. et al.** (US 6,665,377).

As to Claims 1,6-9,11-20,22-30,32-37, with respect to Figures 1 and 5-7, **Wheeler, Jr.** teaches in an advanced intelligent network, a method for using IP (voice activated dialing (VAD)) service with respect to originating a communication from a first calling line number, comprising:

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(A) encountering an originating trigger and querying a first network element to obtain instructions for routing the communication, wherein the first network element determines whether a calling line associated with the first calling line number is subscribed to IP (VAD) service (Figure 5, labels S1,S2,S3);

(B) if the calling line is subscribed to IP (VAD) service, establishing a call path between the calling line and an intelligent peripheral with voice recognition and processing capabilities, wherein the intelligent peripheral prompts collection of a PIN (an utterance) from the calling line and translates the PIN (utterance) into identifying information associated with a called line (Figure 6, labels 6-8);

(C) receiving a message that includes the identifying information (Figure 6, labels 9-10); and

(D) dropping the call path between the calling line and the intelligent peripheral and completing the communication between the calling line and the called line (Figure 6, labels 11-12 and Col. 31, lines 44-63 and Col. 32, lines 8-33);

**Wheeler, Jr.** does not teach the following limitations:

“Voice activated dialing” and “an utterance”

However, it is obvious that **Wheeler, Jr.** suggests the limitation. This is because **Wheeler, Jr.** teaches IPs with voice recognition, speech recognition and voice or DTMF inputs capabilities (Col. 15, lines 14-23, Col. 27, lines 30-36 and Col. 35, lines 35-38). **McKinley** teaches VADs which can be IPs in AIN networks (Col. 4, lines 38-51). Having the cited art at the time the invention was made, it would have been obvious to one of ordinary skill in the art to

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add VAD capability to **Wheeler, Jr.**'s invention for voice activated dialing as taught by **McKinley**'s invention in order to provide advanced services to callers and called parties.

As to Claims 2-4, **Wheeler, Jr.** teaches the method of claim 1, wherein the advanced intelligent network has GR 1129 capabilities (Col. 29, lines 12-15).

As to Claims 5,31, **Wheeler, Jr.** teaches the method of claim 1, wherein the intelligent peripheral transmits the identifying information to the first network element via a TCP/IP connection (Figure 3, label 1109).

As to Claims 10,21, **Wheeler, Jr.** teaches the method of claim 1, wherein the call path is a primary rate interface with ISDN signaling (Figure 4, label 1205).

### *Conclusion*

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Bolduc et al.** (US 6,681,008) teach toll-free telecommunications using VAD services.

**Schier et al.** (US 6,233,316) teaches VAD services using phone cards.

5. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, D.C. 20231  
or faxed to:

(703) 872-9314, (for formal communications intended for entry)

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**Or:**

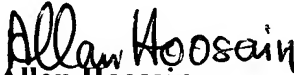
(703) 306-0377 (for customer service assistance)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Allan Hoosain** whose telephone number is (703) 305-4012. The examiner can normally be reached on Monday to Friday from 8 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Fan Tsang**, can be reached on (703) 305-4895.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

  
**Allan Hoosain**  
**Primary Examiner**  
**10/1/04**